

REMARKS

Claims 1-27 are pending. In this Office Action, Claims 1 and 14-15 are rejected under 35 USC 101 due to lack of concreteness in operation because of the human involvement, and Claims 1 and 14-15 are again rejected under 35 USC 112 for the added limitation recited in the claims.

The Examiner expresses in the Office Action that the arguments presented in the previous Response to a Final Office Action are persuasive, however, the amendment raises the following issues: 35USC 101 concreteness issue and a corollary 35USC 112 enablement issue. The Examiner is respectfully requested to reconsider his objections in view of the following remarks/arguments.

Overview of Interim Guidelines for Subject Matter Eligibility, published on 11/22/2005 by USPTO, is to assist examiners in determining whether a claim is directed to statutory subject matter under 35 U.S.C. § 101. The *Interim Guidelines* states “The following tests previously applied by some examiners are not determinative of patent-eligible subject matter and should not be used as rationale for rejecting claims under 35 USC 101. ... Mental steps or human steps. Even if all the steps of a claimed process can be carried out in the human mind, examiners must still determine whether the claimed process produces a useful, concrete, and tangible result, i.e., apply the practical application test set forth in *State Street*. The fact that some or all steps of a claimed process can be performed by a human is likewise not an appropriate rationale for rejection. To be patent-eligible, however, the steps must produce either a physical transformation or a useful, concrete and tangible result”.

The Applicant believes that the human intervention as claimed in the instant application does produce either a physical transformation or a useful, concrete and tangible result.

Claim 1 is represented herein:

a plurality of independent computing devices coupled to a network, wherein each of the computing devices is provided with a variety of computing resources;

a coordination computing device configured to coordinate bartering of various computing resources respectively running in the computing devices, wherein each of the computing devices is configured to barter the various computing resources with the coordination computing device that is executing a negotiation process requiring human intervention to determine importance and valuation of a task and benefits to subsequently reach a bartering contract with some of the computing devices; and

wherein a fraction of the computing resources of each of some of the computing devices is coordinated through the coordination computing device and to simultaneously communicate and functionally operate with each other through the network to perform an application.

(emphasis added)

As clearly stated and nothing else implied, the human intervention is for a user associated with a computing resource to determine whether a requested task to share the computing resource is important to him/her, a requestor, or a project, and the potential valuation or benefits the user may get. In other words, the request to share the computing resource may be accepted or rejected depending on the user. If the request is rejected, the coordination computing device may proceed with another computing resource. If the request is accepted, the computing resource of the user will join to perform the task. In either case, a physical transformation or a useful, concrete and tangible result takes place as the result of the human intervention.

Notwithstanding the above reasons that support the patentability of Claim 1, as described in paragraph [014], peer-to-peer electronic commerce or peer-to-peer file swapping is part of the application of this invention. In this type of application, the limitation of “human intervention” as recited in Claim 1 can facilitate the process of peer-to-peer communication (e.g., a file as a computing source is being released to a requester after a bartering with a user).

Accordingly, the Applicant respectfully submits that the two issues raised by the Examiner are not warranted, and claim 1 is fully supported in the Specification. Reconsideration of Claim 1 and all corresponding dependent claims is kindly requested.

Both Claims 14 and 15 are rejected for the same reasons as for Claim 1. The Applicant wishes to apply the above reasons/arguments to support Claims 14 and

15. Accordingly, the Applicant respectfully submits that the two issues raised by the Examiner are not warranted, and Claims 14 and 15 are fully supported in the Specification. Reconsideration of Claims 14 and 15 and all corresponding dependent claims is kindly requested.

In view of the above amendments and remarks, the Applicant believes that Claims 1 – 27 shall be in condition for allowance over the cited references. Early and favorable action is being respectfully solicited.

If there are any issues remaining which the Examiner believes could be resolved through either a Supplementary Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at (408)777-8873.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to "Commissioner of Patents and Trademarks, Washington, DC 20231", **06/22/2006**.

e-filed

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Respectfully submitted;

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